

E-Filed 11/9/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALEXANDER CHINCHILLA, et al.

Case No. C 08-05720 RS

Plaintiffs,

v.

DAVID CHEN,

Defendant.

**ORDER DENYING MOTION FOR
DEFAULT JUDGMENT, WITHOUT
PREJUDICE**

Plaintiffs' motion for entry of default judgment is presently set to be heard on November 18, 2009. The motion is hereby DENIED without prejudice, and the hearing is vacated. Although plaintiffs' personal presence will not be required at the hearing, they must submit admissible evidence in support of their damages claims. The motion they filed makes reference to supporting declarations, but no such declarations were filed. Plaintiffs may refile the motion, with appropriate supporting declarations, and giving 35 days notice of the new hearing date.

IT IS SO ORDERED.

Dated: November 9, 2009



RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE